

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

NOVEMBER 3, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR & SPECIAL MEETINGS – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose (arrived at 5:15 p.m.)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present:	City Manager Brown; Deputy City Attorney Canlas; City Clerk Hald
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CLOSED SESSION

MOTION BY MCCOY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

Pursuant to Government Code Section 54956.8:

Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Imperial Coast LTD Partnership

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BRAGG, MCCOY, KING, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: ROSE

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, DEPUTY CITY ATTORNEY CANLAS announced Councilmember Bragg did not participate in Closed Session, City Council provided direction, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular & Special Meetings to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; Deputy City Attorney Canlas;
City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN announced Item No. 6.3 is a Special Meeting item.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER BRAGG congratulated Mayor Janney on his re-election; she reported on her attendance at the Heartland Communications Facility Authority meeting and noted the employees are picking up 2% of their retirement costs and the Authority will see a 2% reduction in costs; and she was a judge for the Library's Halloween contest.

COUNCILMEMBER MCCOY announced the recently scheduled Metro JPA meeting was cancelled and she congratulated Mayor-elect Janney and Councilmember-elect Bragg on their elections into office.

COUNCILMEMBER ROSE announced the Skate Park grand opening is scheduled for November 18 from 3:00 to 5:00 p.m.

MAYOR PRO TEM KING suggested the City look into a community garden for an empty lot on Palm Ave.; he expressed concern about an owner of a single family residence who is undergoing financial hardship and who received a citation for code violations, and he suggested that the City Council look at how this type of situation should be handled on a future agenda; and he announced his recent attendance at the South County Economic Development Council meeting where they requested the Port look at improving the Pond 20 area.

COUNCILMEMBER MCCOY asked the City Manager to contact the City of Del Mar regarding their quest to obtain the racetrack, and possibly have a representative address the IB City Council on the issue.

MAYOR JANNEY announced he participated as a judge for a Halloween contest for pets.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JOHN LIMMER witnessed three Saint Bernards attack a Jack Russell Terrier; he expressed concern about the safety of other dogs and submitted a letter for the record.

JOHN HAUPT requested further information on the status of the Seacoast Inn; and he questioned the status of his permit for placing a roof over Woody's restaurant.

ED KRAVITZ spoke in regard to the recent election and commented the press (San Diego Union-Tribune and IB Eagle & Times) were biased; he expressed concern about removal of campaign signs from private property and noted there are ongoing investigations on the matter; and said absentee ballots need to be challenged.

PRESENTATIONS (1.1)

1.1 PRESENTATION OF CERTIFICATES OF ACCOMPLISHMENT TO FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)

MAYOR JANNEY, along with IB LIBRARY BRANCH MANAGER ENGEL and PUBLIC SAFETY DIRECTOR CLARK presented the certificates of accomplishment to the following Fire Prevention Week poster contest winners:

Frida Montoya
Jared Montoya
Ashley Montoya

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 71919 through 72004 with the subtotal amount of \$669,229.73 and Payroll Checks 43241 through 43283 for the pay period ending 10/07/10 with the subtotal amount of \$151,110.20, for a total amount of \$820,339.93.

2.2 RESOLUTION NO. 2010-6958 – AMENDING ARTICLE XIII OF THE CITY OF IMPERIAL BEACH PERSONNEL RULES. (0500-95)

Adopted resolution.

2.3 RESOLUTION NO. 2010-6963 – RATIFYING THE “TIDELAND USE AND OCCUPANCY PERMIT” FOR THE INSTALLATION OF THE EL CAMINO REAL BELL MARKER AT DUNES PARK. (0150-70 & 0160-40)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2010-1108 – AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE. (0720-95)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1108.

CITY CLERK HALD read the title of Ordinance No. 2010-1108, “An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLE 12 – “STREETS, SIDEWALKS, AND PUBLIC PLACES” TO ADD CHAPTER 12.76 – “NEWS RACKS AFFECTING PUBLIC SAFETY” TO THE IMPERIAL BEACH MUNICIPAL CODE.”

MOTION BY ROSE, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2010-1108 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2010-6962 – APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. (0465-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6962 – APPROVING THE FISCAL YEAR 2009/2010 IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT REPORT AND LEVYING THE FISCAL YEAR 2010/2011 ANNUAL ASSESSMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989. MOTION CARRIED UNANIMOUSLY.

MAYOR PRO TEM KING requested bike racks be included in the category for parking facilities.

REPORTS (6.1 - 6.3)

6.1 RESOLUTION NO. 2010-6960 – AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & PREPARING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. (0830-35)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN responded to questions of Council regarding details on the repairs of the manholes and associated costs.

MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6960 – AUTHORIZING CHANGE ORDER NO. 1 TO SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CONTRACT WITH NEWEST CONSTRUCTION COMPANY AND AUTHORIZING A BUDGET AMENDMENT OF \$20,000 TO THE SEALING & REPAIRING WET WELLS & MANHOLES W05-401 CIP PROJECT. MOTION CARRIED UNANIMOUSLY.

6.2 RESOLUTION NO. 2010-6959 – DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008/2009 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 3-B CIP PROJECT (S04-108). (0720-25)

A revised staff report and resolution were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

COUNCILMEMBER BRAGG requested the preparation of a press release to inform and educate the community on how and what projects funds are being spent on.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT REVISED RESOLUTION NO. 2010-6959 – DESIGNATING STATE PROPOSITION 1B LOCAL STREETS AND ROADS (LSR) 2008-09 (TRANSPORTATION BOND) FUNDS TO PARTIALLY FINANCE STREET IMPROVEMENTS RDA PHASE 4/5 CIP PROJECT (S11-105). MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION NO. 2010-6964 AND RESOLUTION NO. R-10-234 – CHANGING THE FUNDING SOURCE FOR THE 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUNDS, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH & SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201). (0650-33 & 0720-10)

CITY MANAGER BROWN reported the County informed the City the CDBG-R funding was withdrawn and all work on the project would have to stop; the City would need to reapply for funding showing exactly the work that can be completed with the CDBG-R funding; the contractor will begin work on November 11 since it is a holiday and, therefore, no children would be present; he recommended approval of the resolutions to use RDA money should CDBG-R funds not be available.

DEPUTY CITY ATTORNEY CANLAS recommended the following changes to Resolution No. 2010-6964:

- Delete the following statement on page 1
 1. CDBG-R funds are withdrawn for expenditure for the Project and
- Revise the following statement on page 2
 4. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project at the discretion of the City Manager as an alternative should the CDBG-R funds not be available.

And the following change to Resolution No. R-10-234:

- Revise the following statement on page 3
 2. The appropriation of \$60,000.00 of Redevelopment monies from the RDA Unspecified Reserve Fund is authorized for the Project at the discretion of the City Manager as an alternative should the CDBG-R funds not be available.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6964 – CHANGING THE FUNDING SOURCE FOR THE 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUND, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY.

Discussion ensued about the CDBG-R funding process and project timeline; it was noted there is an urgency to proceed with the project as the contractor has agreed to work in November when Central Elementary school is not in session (November 11 and Thanksgiving holiday); and concern was raised regarding the delays in applying for funding and processing projects for CDBG-R funding.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6964 – CHANGING THE FUNDING SOURCE FOR THE 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) FROM CDBG-R TO REDEVELOPMENT AGENCY FUND, AUTHORIZING THE APPROPRIATIONS OF MONIES, AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-234 – AUTHORIZING THE APPROPRIATIONS OF MONIES AND MAKING FINDINGS AND DETERMINATIONS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO THE FUNDING OF 13TH STREET & EBONY AVENUE PEDESTRIAN ACCESS RAMP (S10-201) AS AMENDED BY THE DEPUTY CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.

CITY MANAGER BROWN announced County Supervisor Cox was able to secure another year's funding for water quality testing and he will try to find a steadier source of funds.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 6:47 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk